

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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 CARLOS RAY NORRIS, : Civil Action No.: 07-CV-11480
 a/k/a CHUCK NORRIS, an individual : (RWS) (ECF case)
 :
 Plaintiff, :
 :
 - v - :
 :
 PENGUIN GROUP (USA) INC., a Delaware : DECLARATION OF
 Corporation, IAN SPECTOR, an individual and :
 QUBEFACTOR, INC., a New York Corporation, :
 d/b/a QUBEFACTOR TECHNOLOGIES, :
 :
 Defendants. :
 :
 ----- x

I, PATRICK MULLIGAN, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am an associate editor at Gotham Books ("Gotham"), a division of defendant Penguin Group (USA) Inc. I have worked for Gotham since April 2003, when I was hired as an editorial assistant. Approximately two years later, I was promoted to assistant editor and approximately two years thereafter to associate editor, my current position. I have personal knowledge of the matters described in this declaration except where the statement is identified as being on information and belief. I submit this Declaration in Opposition to Plaintiff's Motion for a Preliminary Injunction.

2. Gotham is the publisher of the book, *The Truth About Chuck Norris: 400 Facts About the World's Greatest Human* (the "Book") written by Ian Spector ("Spector"). At-

tached as Exhibit 1 is a true and accurate copy containing the text as of the first printing of the book. I am responsible for bringing the concept of the Book to Gotham and had primary responsibility for editing the Book and overseeing the project through to publication.

3. I first became aware of Spector's website and Chuck Norris Facts in early 2006 when a friend sent me a link to the website. I was well aware at the time of the rise of the "fratire" genre, which is characterized by fraternity-style humor, and generally mocks traditional masculinity and male roles, often in a satirical fashion. "Fratire" frequently involves parodies of superhuman figures or exaggerations of macho (or "faux-macho") traits, and generally originates on the Internet. I had read such books as *Real Ultimate Power: The Official Ninja Book* (which, like Spector's Book, is a humorous book that originated on a website and parodies a superhuman character), and knew the genre (and *Real Ultimate Power* in particular) was popular. In light of the existing interest in parody of superhuman figures and the enormous success of Spector's website, not to mention the cultural phenomenon that the Chuck Norris Facts had become among a certain demographic group, I thought the Chuck Norris Facts would make an excellent subject for a humorous book. I contacted Spector through his website in May 2006 to see if he would be interested in such a project.

4. I was aware that the "Chuck Norris Facts" were derived from submissions to Spector's website, www.4q.cc. I also knew that Spector selected and edited the best submissions for inclusion on the site. Neither I nor Gotham has ever played any role in creating or editing the facts on Spector's website.

5. In January 2007, Spector submitted a proposal for the Book. The proposal included a description of the origin of the website and the Chuck Norris Facts, as well as a de-

scription of the rise of the Chuck Norris Facts phenomenon, and even of Spector's contacts with Chuck Norris himself. It also included approximately 250 facts selected by Spector from his website. Given the thousands of facts available on Spector's website, and the space available in a book format, I later suggested that we aim to include 400-500 facts. Spector provided me with a list of all the facts available on his website, from which I suggested 150 additional facts, which I then made available to Spector for his review. The final 400 facts that appear in the Book were in place by the end of May 2007.

6. By March 2007, I had received approval to go ahead with the Book and the Book was then scheduled for release in early November 2007 as part of Gotham's Winter 2008 Catalog.

7. In late June 2007, I provided Spector with an edited version of the preface drawn from his January proposal, which he edited further and approved. Spector also provided me with the acknowledgements for the Book at that time. Spector included an acknowledgement "thanking" Norris for "playing along." Based on the conversations I had had with Spector, including his descriptions of meetings and other communications with Norris and his wife, I believed the acknowledgement was entirely accurate and consistent with Spector's description of his friendly relationship with Norris. I had no information whatever suggesting any objections or disapproval by Norris or anyone else in connection with the Chuck Norris Facts or the Book.

8. I worked directly with Spector in the editing of the Book, which had always been intended to be, and was marketed as, a satire. I requested the cover art — which depicts Norris standing on a dinosaur, crushing the earth, with a woman at his feet — to instantly convey the "faux-macho" parody that is contained within the Book. I also chose an illustrator,

Angelo Vildasol, who I knew would further that theme. Vildasol had illustrated a prior work in the same vein, *The Alphabet of Manliness*, that was published in June 2006 and featured a humorous chapter on the super human qualities of Chuck Norris. Attached as Exhibit 2 is a true and accurate copy of the cover, title page and of the “N is for Chuck Norris” chapter of the *Alphabet of Manliness* by Maddox.

9. The first sentence of Ian’s preface indicated that his Book was a “comedy.” The “facts” quoted on the back cover emphasize that reality even if one ignores the impact of the front cover art. The Book’s cartoon illustrations further highlight that the book is parody. That the Book was to be marketed as humor was also reflected in a more formal sense. At the lower left on the back cover of the Book, the word “Humor” appears below Gotham’s skyscraper colophon and above the suggested retail price. This designation tells retailers and wholesalers to treat the title as a humor book and sell it accordingly. This is intended to aid wholesalers and retailers in marketing and placement within their stores or websites. (Indeed, the sample pages from the websites of Amazon.com, Borders Books and Barnes & Noble that were submitted by Norris’s lawyer, Deborah Lodge, as part of the October 24, 2007 letter to Penguin, indicate that those booksellers classified the Book under “humor”.) In addition, Gotham designates the Book as “humor” under the Book Industry Standards and Communications (“BISAC”) coding scheme developed by the Book Industry Study Group. These steps supplement the obvious comedic character of the title, the cover art, the illustrations and the text itself in making clear the humorous, satiric nature of the Book.

10. Pre-sales information about the Book was available to retailers as early as May 12, 2007, when Gotham made bibliographic information, including the title of the Book,

available to on-line retailers such as Amazon.com. On-line retailers usually post such information within a week of receipt. In fact, I am informed that Amazon.com made the information available on its website the same day.

11. On or about May 17, 2007, I made information about the Book more generally available, by posting the following on Publisher's Lunch:

Pop Culture Ian Spector's *The Truth About Chuck Norris*, an illustrated book of 400 farcical "facts" about movie star Chuck Norris, including such items as "When the Boogeyman goes to sleep every night he checks his closet for Chuck Norris," based on the popular internet theme. [Attached as Exhibit 3 is a true and correct copy of the May 17, 2007 posting on Publisher's Lunch.]

"Publisher's Lunch" is a well-known "deal round-up" website popular within the publishing industry, but available to anyone interested in keeping abreast of or monitoring new and upcoming titles from a variety of publishers. Upon information and belief, the site is regularly watched by agents, public relations firms and lawyers for celebrities and other public figures.

12. Gotham's Winter Catalog (a distribution to smaller booksellers, agents and others) featuring information about the Book (among others) was put out in or about the week of July 9, 2007. The section of the Winter Catalog describing the Book was also attached to the October 24, 2007 letter from Norris's lawyer.

13. On June 25, 2007, Gotham made a more detailed description (including the Book's subtitle), available to Amazon.com and other retailers. Such descriptions are routinely posted within a week of receipt. I am informed, for example, that Amazon.com posted the additional information on June 27, 2007. The description for the Book was as follows:

The illustrated lowdown on the toughest, sexiest, and beardiest man to ever stalk the earth.

As the star of Walker: Texas Ranger, movies such as The Delta Force, and the long-running infomercial for the Total Gym, chuck Norris represents a separate kind of superman—a hero of hilarious proportions. In recent years, farcical facts about Norris began cropping up on the Internet and across the airwaves, finally reaching their peak on one comprehensive Web site. . . . Now, the best of Spector's site is available in one affordable, death-defying volume, featuring such awe-inspiring observations as:

- * A cobra once bit Chuck Norris's leg. After five days of excruciating pain, the cobra died.
- * Chuck Norris can charge a cell phone by rubbing it against his beard.
- * Chuck Norris was the first person to tame a dinosaur.
- * Chuck Norris once visited the Virgin Islands. Afterward, they were renamed the Islands.

The latest addition to the booming genre of "fratire," and featuring vivid cartoons by the same illustrator behind *The Alphabet of Manliness*, there's no brawnier, beefier gift than *The Truth About Chuck Norris*. . . .

14. The cover art for the Book was made available to Amazon.com and other retailers on or about July 23, 2007. Such cover art is routinely posted within a week of receipt. I am informed, for example, that Amazon.com posted the cover art on its website on July 31, 2007. I note in that regard that the October 24, 2007 letter from Norris's lawyer includes a copy of the Amazon posting relating to the Book, including the cover. Although Ms. Lodge does not state when she, Norris or any of his representatives first viewed the page, I notice that the Amazon page included with the letter itself reflected a November 2007 expected publication date.

15. By September 4, 2007, Gotham had received orders from resellers for about 27,000 copies of the Book. The cover for the Book was approved on September 5, 2007,

and by October 4, 2007, final proofs of text were approved for printing. Final covers were delivered on October 9, 2007.

16. To date, Gotham has printed and bound more than 75,000 copies of the Book. This includes an initial 22,402 copies bound on October 23, 2007, and delivered to our warehouse on October 24, 2007. (The Plaintiff's "cease and desist" letter was, upon information and belief, received late on the afternoon of October 24, 2007.) A total of more than 60,000 copies of the Book had been printed and bound by the time — two months later on December 21, 2007 — that Plaintiff filed this lawsuit; 45,000 copies had been shipped by that date.

17. The first shipment of the Book to distributors was sent out October 30, 2007 and the first shipment to a retailer, Barnes & Noble in Honolulu, Hawaii, went out on November 5, 2007. The October 30 shipment to distributors allowed them to redistribute to retailers in time for the book to be available in all stores by the planned formal publishing date, in this case November 29, 2007. The early shipment to Hawaii reflects the additional time required for delivery to that State, again to allow for a availability of the Book for sale no later than November 29, 2007

18. The first time I learned of Norris's objection to the Book was on October 24, 2007, by which time the Book had already been printed and bound. On or about October 26, 2007, we responded through our attorney, Alex Gigante, that we rejected Norris's claims and refused to accede to his demands. Apart from a follow-up letter sent on November 16, 2007 (which was responded to by email the day it was received), Norris did nothing for two months, during which time the Book was distributed and published in keeping with the schedule based on

the November 29, 2007 publication date contained in the Amazon (and other) postings attached to Ms. Lodge's letter.

19. In late December 2007, I became aware that Norris's lawyers had filed suit and had identified two statements in a court hearing as allegedly suggesting that, despite the clearly satiric nature of the book, readers would understand it to have been endorsed by Norris. I did not believe that either statement (one in the preface relating to Spector's relationship with Norris and one in the acknowledgement recognizing Norris's "awesome sense of humor" and thanking him "for playing along") could conceivably lead to such impression. I also believed those statements to be entirely accurate when written. Nevertheless, I also saw no reason to retain language to which Norris's lawyer had expressed such clear objections.

20. Accordingly, after consulting with Spector, the reference to Norris was removed entirely from the acknowledgement. The preface was revised. The preface describes Spector's 2006 meeting with Norris and then continues:

"At the time, everything was cordial, and Chuck seemed amused by the site and the whole phenomenon of Chuck Norris facts. Later, however, Chuck hit me with some roundhouse kicks: first lawyers' letters and then a lawsuit filed right before Christmas 2007 demanding that we stop publication of this book. Safe to say Chuck's not amused anymore and has not given the book his endorsement."

(Attached as Exhibit 4 is a true and accurate copy of the revised preface and acknowledgement page.)

21. These changes were made in the very first printing run after the December 21st hearing, the fifth overall printing of the book. (A copy of the book produced in this printing

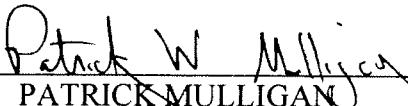
is attached as Exhibit 5.) The print run, consisting of 10,031 copies, was received at our distribution center January 15, 2008. (The most recent print run, consisting of approximately 5,000 copies, was on February 11.)

22. Tens of thousands of dollars of printing, distribution and mailing costs were incurred in the weeks and months between the May 2007 announcement about the Book, and the initiation of the lawsuit. Any requirement of a recall would impose significant costs for return shipment (likely equaling or exceeding the costs of shipping to date and rendering redistribution prohibitively expensive). Any effort at recall would, in any event, prove largely unavailing since I have every reason to believe that the majority of the books shipped to date are already in the hands of the ultimate consumer.

23. The Book is a work of parody and satire. As an editor, I find it inconceivable that Mr. Norris, or any public figure celebrity could bar as impermissible commercial conduct publication of a book parodying his superhero role. That is all the clearer to me in light of Norris's central involvement in a presidential campaign and the increasingly serious attention paid to the role of superhero, "tough guy" figures in the popular culture. (See for example a recent article in *The New York Times*, entitled "Tough Guys For Tough Times," suggesting the important role being played by "the leading action symbols of the Reagan era" (including Norris), as figures being looked to as symbols of certainty and continuity in a period of change and uncertainty. Attached as Exhibit 6 is a true and correct copy of the *Times* January 13, 2008 article.) Poking gentle fun at such figures is not commercial speech; it is expressive speech about a subject that seems more important every day.

24. I respectfully request that the preliminary injunction sought on behalf of Norris be denied.

I declare under penalty of perjury that the foregoing is true and correct, and that this Declaration was executed on February 15, 2008.

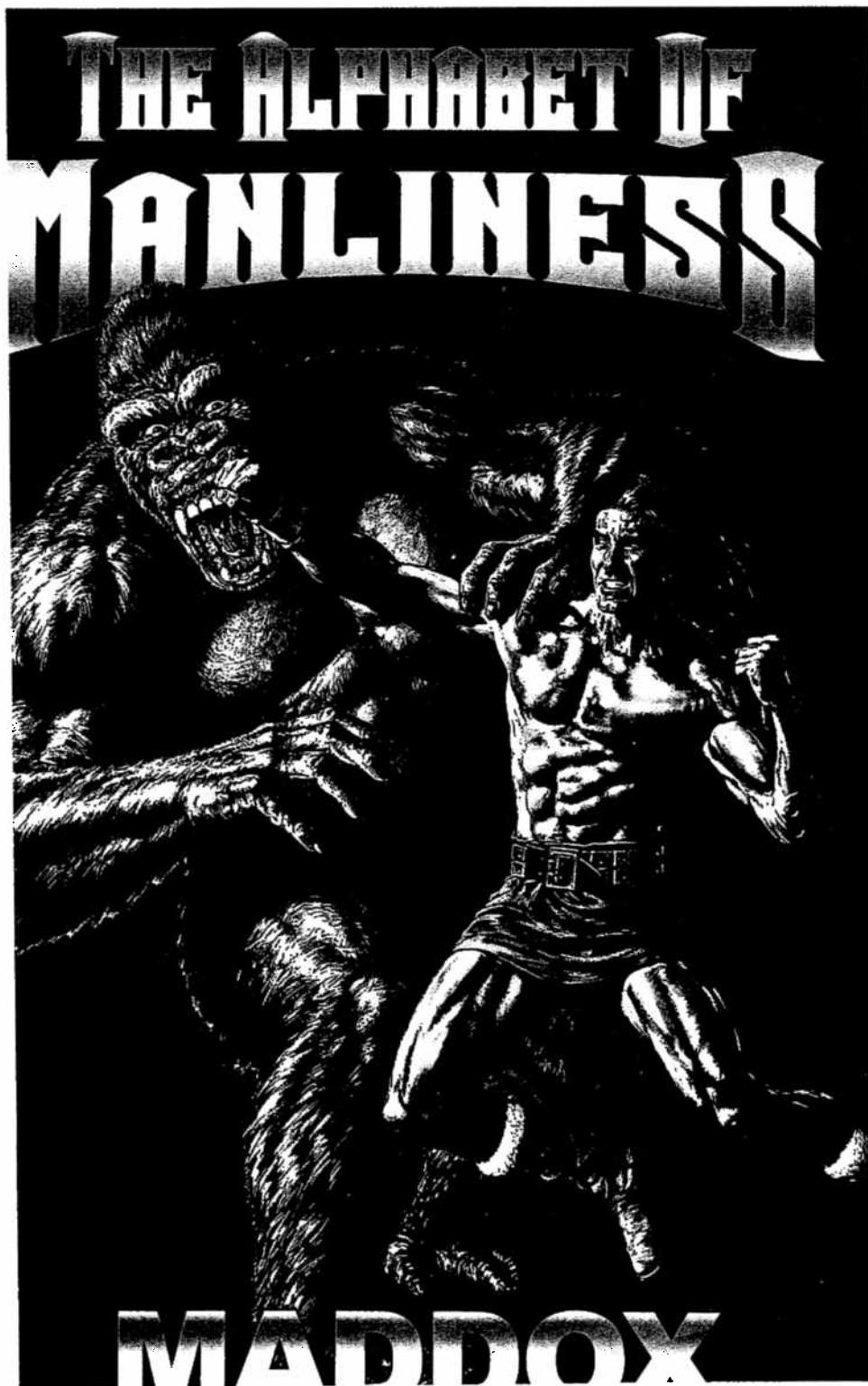


PATRICK MULLIGAN

EXHIBIT 1

Exhibit 1, *The Truth About Chuck Norris: 400 Facts About the World's Greatest Human*, is being filed separately in the Clerk's office

EXHIBIT 2



THE ALPHABET OF MANLINESS

MADDOX

Illustrations by

Angelo Vildasol
Bryan Douglas
Jim Moore
John Petersen
Justina Fader
Leah Tiscione
Louis Fernet-Leclair
Thomas Pollock Jr.



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is for...
**CHUCK
NORRIS**



NORRIS, CHUCK

CHUCK NORRIS EATS ROCKS and shits lightning bolts. One time Chuck Norris was walking around in the forest, looking for hippies to use as firewood, when a wild boar suddenly crossed his path. Big mistake. Chuck lifted the boar into the air with his mind, spun him around, and digested him telekinetically. And Chuck wasn't even hungry.

If you don't know who Chuck Norris is, he's the world champion in tae kwon do, jujutsu, kickboxing, karate, sumo wrestling, tae bo, pad thai, *Street Fighter II*, and he holds a certificate of participation in

the national spelling bee. Chuck Norris has no weakness; he is the ultimate fighting machine. One time, a big shot movie producer approached Chuck Norris with a screenplay starring him versus King Kong, Gidorah, Dracula, Satan, Charles Bronson, and that Russian boxer from *Rocky IV*. The movie was never made though because studios felt that it was too far fetched, since nobody but nobody stands a chance against Chuck Norris. When Chuck found out, he was so furious that the producer had to offer his daughter's virginity to appease him. Chuck accepted the offer and then torched the producer's family in their sleep. The producer wrote Chuck a "thank you" letter for sparing his life, which Chuck promptly crumpled up and urinated on.

Speaking of film, here is a transcript of a conversation a producer had with Chuck regarding his asking cost for a film:

NORRIS, CHUCK

CHUCK NORRIS: \$100 billion dollars.

PRODUCER: How about \$20 million?

CHUCK NORRIS: . . . (see Figure 1)

THE HISTORY OF CHUCK

Not much is known about Chuck Norris's childhood. Chuck Norris has no mother, as crawling out of a vagina is unbecoming of a man of his stature. Chuck spontaneously came into existence on Karl Marx's birthday. This was no coincidence since Chuck Norris is the polar opposite of communism; he is the yang to communism's yin, and the very thought of a political theory that suggests that people should have their own means of production in a classless society makes Chuck Norris want to puke.

Chuck Norris has fought in almost every major war, including the Korean War, World War I, the American Civil War, the Peloponnesian



NORRIS, CHUCK

Figure 1: Chuck Norris displacing a producer's eyes with his thumbs.

War, the Iran-Iraq War (on both sides simultaneously), the War of the Worlds, and the War on Drugs. The only war Chuck hasn't fought in is the Macedonian war because Chuck Norris doesn't give a shit about Macedonia. Chuck Norris wins wars by attrition.

Here is a list of Chuck's favorite foods:

- **WHISKEY**

Sometimes when Chuck gets tired of whiskey, he'll eat bread, cheese, some tomato paste and a handful of basil, which sounds like pizza, but it's not because Chuck Norris doesn't want to give the Italians the credit. Every now and then, Chuck Norris will sit down and eat an entire plate of sausage and onions for no reason.

ENCOUNTERS WITH CHUCK

One time I went to Chuck Norris's house on Halloween, and I dressed up like a pussy because you're supposed to dress like something you're not, and I figured that Chuck Norris would appreciate ironic humor. I walked up a winding pathway to his house, which was a giant floating volcano with American bald eagles flying around it, and with a long staircase leading to the top (Figure 2).

I walked up the staircase for what seemed like days, and when I finally reached the top, I saw Chuck Norris sitting on his throne. I dared not look him in his eyes because one time this guy looked him

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Figure 2: Chuck's revered abode.

in his eyes and Chuck Norris spontaneously combusted him. No one is allowed to speak with Chuck; the only thing you are allowed to do in his presence is bow, kiss his ring, bow again, and leave. So I walked up to his throne and saw that he was wearing a ring made out of solid diamonds with a unicorn on it that had an erection (Figure 3).

I kissed his ring, and then I wanted to thank him, so I said, "Sir, permission to thank you for the privilege of allowing me to kiss your ring." If Chuck Norris doesn't immediately kill you, that means he has granted you permission. I thanked him, bowed, and left. It was the happiest day of my life.

I once had a friend who claimed that he went over to Chuck Norris's house and hung out with him. I didn't believe him, so I asked him for proof and he told me that Chuck Norris owns the complete *Back to the Future* trilogy on laser disc. I was so jealous that I called him a liar, but deep inside I knew he was telling the truth.



Figure 3: I'd have a boner too if I were on Chuck Norris's ring.



A DAY IN THE LIFE OF CHUCK NORRIS

The word "day" is a bit misleading when talking about Chuck Norris because a day in his life is less like the twenty-four-hour day most people associate with the word, and more like an eon God describes as a day during creation of the universe:

Chuck Norris starts his day like every red-blooded man: with a giant boner. After rubbing one off, Chuck flosses his teeth with steel wool. Then he eats a bowl of dynamite, takes a massive two-flush megashit, and wipes his ass with intercepted letters to Santa Claus.

After breakfast, Chuck brings in his mail and uses the Spear of Destiny as an envelope opener. Chuck Norris not only stays up to date on current events but future ones as well so that he can ruin the ending to new *Harry Potter* books before they're even written.

One time, Chuck Norris read a news piece about some guy who was given a death penalty for treason. Treason is especially offensive to Chuck because he embodies everything that is, was, or ever will be American. Chuck Norris loves America so much that when he gets interrupted during sex, he gets red, white, and blue balls. So when Chuck read about this traitor, he killed himself, went to hell and ripped the guy's face off and uses it as a loincloth to this day. Chuck then resurrected himself, went to lunch, and paid for his food using exact change.

In the evening, Chuck Norris likes to sit in the dark and silently pray that his enemies get cancer.

Thus concludes a day in the life of the greatest American ever to live.

NORRIS, CHUCK

EXHIBIT 3



Publishers Marketplace

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Deal search results

Showing 1 deal matching **ian spector** (keywords).

Categories of all matched deals: Non-fiction: Pop Culture (1)

[<< main deals page](#)

17 May, 2007

Non-fiction: Ian Spector's THE TRUTH ABOUT CHUCK NORRIS, an illustrated book of Pop Culture 400 farcical "facts" about movie star Chuck Norris, including such items as "When the Boogeyman goes to sleep every night he checks his closet for Chuck Norris," based on the popular Internet meme, to Patrick Mulligan at Gotham (world).

[main deals page >](#)

Legend	"nice deal" \$1 - \$49,000	"significant deal" \$251,000 - \$499,000
	"very nice deal" \$50,000 - \$99,000	"major deal" \$500,000 and up
	"good deal" \$100,000 - \$250,000	

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(month) (year)

(You may limit your view of a month's deals by entering search terms as well.)

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EXHIBIT 4

In December of 2005, I had my first chance to meet the man himself. I was asked to appear on CNBC's *The Big Idea with Donny Deutsch* and explain the whole thing to him, because he apparently didn't quite understand it, and I don't really blame him. While I was waiting in the studio, a guy came over to mic me up and I asked, "Does it suck having to watch MSNBC all day long?" He quickly responded, "This is a live mic; you might not want to say that."

Chuck and his wife, Gena, were on the show that day talking about a ton of stuff—his book, his charity, prayer in school. About twenty minutes in, I heard a voice in the earbud that had been implanted by that same guy. It was the director. "Hi, Ian . . . sorry it had to turn out like this, but I'm afraid we're going to have to cut you out for timing. Sorry to make you haul all the way in." I'd like to think that this had nothing to do with my MSNBC joke.

A few weeks later, I was watching *Lost* when my house phone rang. My mom shouted to me, "Ian, pick up the phone!" I refused, because as anyone who watches *Lost* can attest, it's hard to stop watching. Then, she called out, "Ian, Chuck Norris's wife is on the phone." Well, clearly, I put off *Lost* for a few minutes to talk to her. Apparently Chuck's World Combat League was having a fight up at a casino in Connecticut and Chuck wanted me to be there.

What I thought would be my day of reckoning ended up being a pretty interesting conversation involving my father, Chuck, his wife Gena, and Chuck's business manager and lawyer, ranging from the origins of the site to Chuck's charity, Kick Start. At the time, everything was cordial, and Chuck seemed amused by the site and the whole phenomenon of Chuck Norris facts. Later, however, Chuck hit me with some roundhouse kicks: first lawyers' letters and then a lawsuit filed right before Christmas 2007 demanding that we stop publication of this book. Safe to say Chuck's not amused anymore and has not given the book his endorsement.

Beyond the Donny Deutsch show, there was a ton of additional media coverage, including a great piece in *The Washington Post*. As a freshman in college, I was pretty wide-eyed about all of it. Thankfully all of the articles written about the site were positive in nature, though there was one that still bothers me to this day: "Heard the One About Chuck Norris?" (February 3, 2006, *St. Petersburg Times*) by "deputy Floridian" editor John Barry. This guy not only called me a "computer geek," but also went on to say the following about me: "Ian looks like what he is, a kid from Rhode Island, studying the supremely esoteric field of 'computational biology.'" Not only did this man get my home state wrong (I'm from New York), he also further

Acknowledgments

Chuck Norris doesn't sleep.
He waits.

Very special thanks, of course, to my family. Without their continued support, you wouldn't be reading any of this.

To my friends: I'm contractually allowed only ten free copies of this book and you're not getting any of them. Big thank-yous to Charlotte Wasserstein from WMA for getting me hooked on this book project again and walking me through the publishing process, as well as to my editor, Patrick Mulligan from Gotham, for being so enthusiastic about the project and being able to see eye to eye with me on everything.



EXHIBIT 5

Exhibit 5, *The Truth About Chuck Norris: 400 Facts About the World's Greatest Human* (fifth printing), is being filed separately in the Clerk's office

EXHIBIT 6

THE NEW YORK TIMES, SUNDAY, JANUARY 13, 2008

Section 9, Page 1

Tough Guys for Tough Times



JOHN GIAMUNDO/W.W.E.



TANNEN MAURY/EUROPEAN PRESSPHOTO AGENCY



KAREN BALLARD/LIONSGATE

TERMINATE IT Hulk Hogan, Chuck Norris and Sylvester Stallone have re-upped to put things right.

By ALEX WILLIAMS

YOU don't need to follow Mike Huckabee, or even politics, to appreciate that Chuck Norris is everywhere these days.

On television spots for the former Arkansas governor, Mr. Norris, the star of such shoot-'em-up fare as "Missing in Action" and "Walker, Texas Ranger," is there. ("My plan to secure the border?" Mr. Huckabee says in deadpan. "Two words: Chuck Norris.") On T-shirts, "Saturday Night Live" skits, Mountain Dew ads, and Web sites like the satirical theruthaboutchuck.com, Mr. Norris — or at least his image — is there.

Now, suddenly, he is not alone, as several other action stars who peaked in prominence in the '80s are rejoining

Chuck Norris can blast us out of global warming. Can't he?

him on the pop culture landscape.

Sylvester Stallone, at 61, is starring in the first Rambo film since 1988, called simply "Rambo," which opens on Jan. 25. Hulk Hogan, 54, who was doing face plants in wrestling bouts back when Frankie Goes to Hollywood was still riding the charts, re-emerged this month as the face of NBC's unlikely new hit, "American Gladiators." Mr. T, the mo-

hawk-sporting muscleman who squared off against Mr. Stallone in "Rocky III" back in 1982, when Leonid I. Brezhnev was still the Soviet leader (and when there was still a Soviet Union), is back as a television pitchman for the popular *World of Warcraft* video game.

Even the Terminator is back — in Fox's new series "Terminator: The Sarah Connor Chronicles" — although the original star, Arnold Schwarzenegger, is too busy with other engagements in California to participate.

The leading action symbols of the Reagan era — with all their excess, jingoism and good vs. evil bombast — have returned, as outsize and obvious as they were in the decade of

Continued on Page 2

Tough Guys for Tough Times

From First Styles Page

stonewash. Yet as stars of prime-time hits and feature films (not to mention Republican mascots), these actors are still as ripped and imposing as they were 20 years ago, and they continue to carry an undeniable authority with fans old and new.

Indeed, at a time when the country is faced with a new tangle of problems, the return of the '80s action hero suggests that some Americans, particularly men, are looking to revel in the vestigial pleasures of older times and seemingly simpler ways. (Witness the popularity of the best-selling "Dangerous Book for Boys," a celebration of the traditional rugged joys of boyhood.)

It helps that these figures need no introduction. "Stallone and Rambo are huge, iconic images already," said Tim Palen, who works at Lionsgate, the "Rambo" studio, as a co-president for theatrical marketing. "It's really kind of holy territory, especially when it comes to young males, and males in general."

WHEN marketing executives were deciding on a strategy to sell the new "Rambo" film, they shunned splashy posters in favor of a minimalist image of a black spray-painted stencil outline of Rambo's head on a white background. "We called it Che Guevara crossed with Jesus Christ by way of Andy Warhol," Mr. Palen said. "In a way, he's all of those."

At an age when mere mortals find their biceps reduced to cookie dough, these human action figures have retained not only their muscle tone but, more important, their value as brands. Mark Koops, an executive producer of "American Gladiators," attributes its success in part to Mr. Hogan's enduring status as a symbol of both high-testosterone swagger and integrity in the eyes of fans — certifiable dudes, undoubtedly — of all ages.

"Since the summer, when we first sold the show, we put together a target list of who we thought could capture what the show was," Mr. Koops said. The list had just one name: Mr. Hogan. "He has such a huge following — kids from 6 to 60." When Mr. Hogan and Mr. Koops attended a recent San Diego Chargers football game, Mr. Koops recalled, "all the N.F.L. players came running up to him, even when they were supposed to be warming up."

Without a doubt, nostalgia on the part of Generation X is a strong factor in the continuing appeal of these actors. The same guys who grew up watching "First Blood" and "The Delta Force" on VHS are now old enough to hold positions of creative power at advertising firms and film studios, Mr. Palen said. "I'm in my 40s," he explained, "and growing up a young guy in Kansas, Rambo was huge."

But in a digital age, old icons never die, he said — they just end up on DVDs in the family S.U.V. "To kids under 18, they never did have that experience," Mr. Palen added, "but with DVDs they did, and they've experienced it over and over and over again."

It is hardly unusual for pop eminences to be recycled by tastemaking connoisseurs. Usually it starts with young creative

directors or screenwriters, who seize on a relic from the frothy pop culture of their youth and reanimate him for one more campy go-round on the carousel. Tom Jones, Burt Reynolds, William Shatner: this is your second life.

Usually, it is ... you know, a joke.

But Mr. Koops, speaking on Tuesday, New Hampshire primary day, said the appetite for these action figures represents more than a joke. Rather, it speaks to a sincere desire among some men — likely not Hillary Clinton supporters — to return to what he called "a comfort zone" symbolized by heroic characters of yore.

"Everyone is talking about change" in the political sphere, he said, but many guys in fact "want to go back to the way things were, the things they knew."

This is a moment in American history bedeviled by a sinking economy, the possibility of environmental catastrophe and violent conflicts in the Middle East and beyond. So it's not surprising to see men who were raised on cartoonish images of the fictional John Rambo taking out more Soviet soldiers in two hours than the Afghan mujahedeen did in a decade show an appetite for characters who tend to fix even big problems with room-clearing brawls, monosyllabic wisecracks and large-caliber firearms.

Anxious Americans, after all, are suddenly very unsure of their position in the world, which leaves some open to any "fantasy having to do with a sense of traditional masculinity," said Judith Halberstam, a professor of Eng-

lish and gender studies at the University of Southern California. She said that these living G.I. Joes communicate a "not-so-deep code of American exceptionalism," as well as the American instinct to cut through obfuscation with plain talk and "to not bother with politics, just go in with force and fix things."

Tracy Lovatt, the head of strategy for BBDO New York, the advertising agency that produced the Mountain Dew campaign

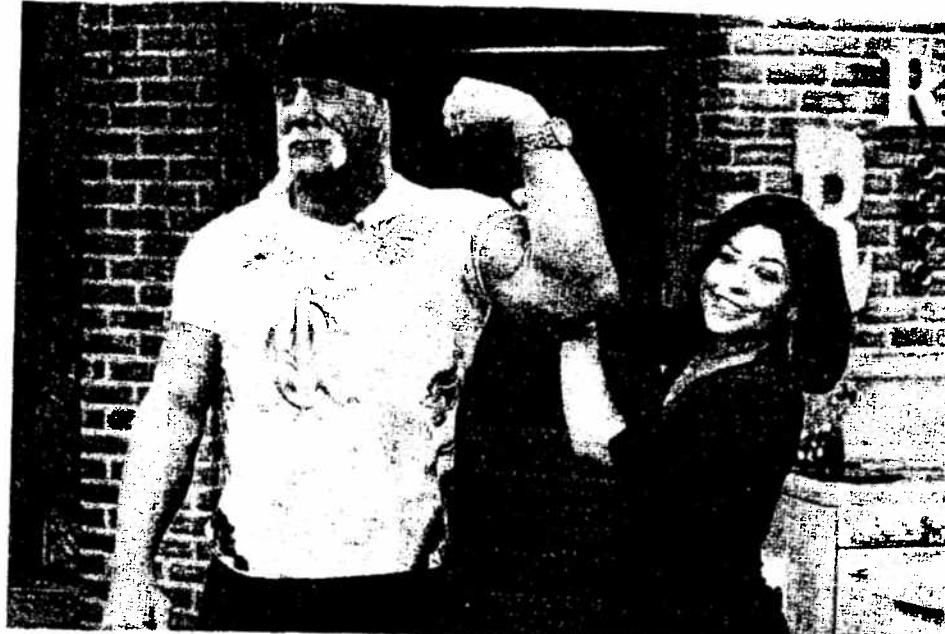
Gimme that old-time barbary.

with Mr. Norris, said that the myriad troubles facing the country have created an appetite for the heroes who seemed omnipotent during the '80s, a time when the country appeared to have dug itself out of a quagmire.

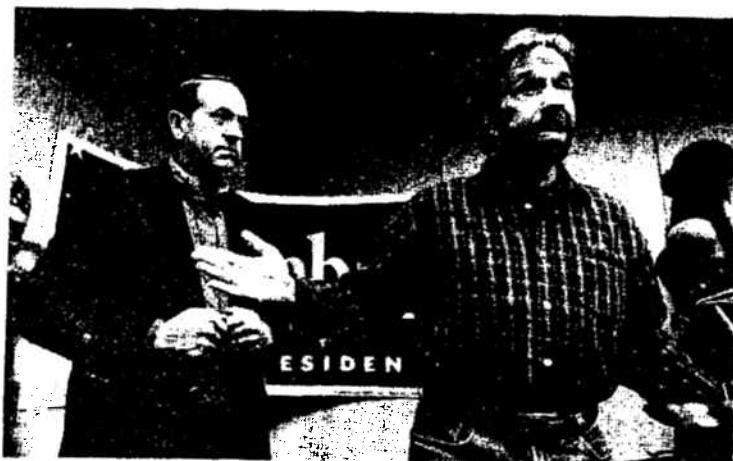
"We have weak, uncertain political leadership right now," she said. "Everything seems to be up for grabs; we don't believe in institutions. This country needs stability, and in an archetypal, hyperbolic way, that's what these figures represent."

Indeed, heroic caricatures seem comparatively less cartoonish at a time when nonfiction heroes like Roger Clemens and Barry Bonds have been tarnished by accusations of fraud, said David Zinczenko, editor in chief of Men's Health.

"The sports field is littered



DAVID M. RUSSELL/“RACHAEL RAY” SHOW, VIA ASSOCIATED PRESS

**NO CREAM PUFFS**

Hulk Hogan, who appears on the new show “American Gladiators,” with Rachael Ray on her show, above, and Chuck Norris lending his muscle to Mike Huckabee on the campaign trail in Iowa.

with false heroes and antiheroes and fallen heroes right now,” Mr. Zinczenko said by e-mail. Mr. Norris represents a perfect antidote because he remains, unlike the athletes, forever two-dimensional. “We’ve never known anything about the guy, except for what we see on big and little screens,” he said. “He’s square-jawed, muscular, action-oriented — everything we want in a guy who can get things done.”

However unfashionable these macho caricatures may have seemed even five years ago, their cartoonish image of macho rectitude actually may be enhanced by their dogged efforts to protect an all-American image.

Ian Spector, who founded the satirical theruthaboutchuck.com in 2005, is finding this out the hard way. In December Mr. Norris sued Gotham Books, the publisher of Mr. Spector’s companion book to his Web site — “The Truth About Chuck Norris: 400 Facts About the World’s Greatest Human” — asserting that the book misappropriated his name and image and associated him with unsavory and illegal behavior. (The suit is continuing.)

“He takes himself very seriously,” Mr. Spector, 19, a cognitive neuroscience major at Brown, said of his muse and adversary. “Maybe because he takes himself so seriously, it makes it all the more ridiculous.”

So, then, like Mr. Shatner, is Mr. Norris really just a joke?

“I don’t want to say yes,” Mr. Spector said warily, “because I don’t want to have him see me calling him a joke.”